

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID C. EGGLETON,	)	CASE NO. 8:05CV532
	)	
Plaintiff,	)	
	)	
V.	)	MEMORANDUM AND ORDER
	)	
PLASSER & THEURER EXPORT VON	)	
BAHNBAUMASCHINEN	)	
GESELLSCHAFT, MBH, and FRANZ	)	
PLASSER BAHNBAUMASCHINEN	)	
INDUSTRIEGESELLSCHAFT, MBH,	)	
	)	
Defendants.	)	

This matter is before the Court following the issuance of a mandate from the United States Court of Appeals for the Eighth Circuit. (Filing No. 82). For the reasons stated by the Court of Appeals, and pursuant to *Wisland v. Admiral Beverage Corp.*, 119 F.3d 733 (8th Cir. 1997), this Court adopts Nebraska's choice-of-law rules and applies the statute of limitations of the forum state. The Court finds that Plaintiff David Eggleton's action is barred by Nebraska's four-year statute of limitations applicable to product liability actions. Neb. Rev. Stat. § 25-224(1). The Plaintiff was required to file the action no later than September 5, 2002, and the action was not filed until June 4, 2004. Accordingly,

1. The Defendants' motion for judgment on the pleadings is granted;
2. The Complaint and all claims against the Defendants are dismissed with prejudice; and
3. A judgment will be separately filed.

DATED this 14th day of September, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge